



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

TI-29917

Krista S. Jacobsen et al.

Art Unit: 2819

Serial No: 09/715,811

Examiner: TBD

Filed: November 17, 2000

For: UPSTREAM POWER BACK-OFF

RECEIVED

AUG 03 2001

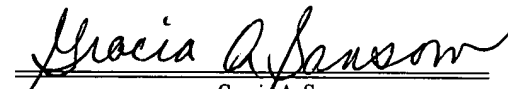
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

DECLARATION OF J. DENNIS MOORE

Ass't Commissioner for Patents
Washington, DC 20231

Dear Sir:

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(a)
I hereby certify that the above correspondence is being deposited
with the U.S. Postal Service as First Class Mail in an envelope
addressed to: Ass't Commissioner for Patents, Washington, D.C.
20231 on July 26, 2001.


Gracia A. Sansom

J. Dennis Moore declares as follows:

- 1) THAT he is the attorney in the Texas Instruments Patent Department in charge of the subject application;
- 2) THAT he directed his then assistant, Karen Vertz, to prepare the declaration as filed with the subject application, using the data set forth in the invention disclosure originally submitted by the inventors;
- 3) THAT **Celite Milbrandt** is listed as a joint inventor;
- 4) THAT on January 10, 2001, Karen Vertz mailed to **Celite Milbrandt** a Declaration and Assignment with accompanying application to 1236 N. Monta Vista, #13, San Luis Obispo, CA 93405, the last known address of **Celite Milbrandt**, as evidenced by the attached cover letter (Exhibit A) and that the envelope, with

its contents, was returned as having been sent to the wrong address, as evidenced by the attached copy of the returned Express Mail receipt (Exhibit B) and copy of tracking reports (Exhibit C) from the United States Postal Service Internet web site.

5) THAT in April, 2001, with diligent effort the whereabouts of **Celite Milbrandt** was learned by Ann Trent, his then assistant.

6) THAT on April 25, 2001, Ann Trent mailed to **Celite Milbrandt** a Declaration and Assignment with accompanying application to **Celite Milbrandt**, as evidenced by the attached cover letter (Exhibit D), and that these forms were never returned.

7) THAT on May 17, 2001, Ann Trent mailed to **Celite Milbrandt** a reminder to sign and return the Declaration and Assignment, as evidenced by the attached cover letter (Exhibit E), but that these forms were never returned.

8) THAT in late May, 2001, he phoned **Celite Milbrandt** several times at his place of employment and spoke to **Celite Milbrandt**, and that **Celite Milbrandt** indicated an unwillingness to sign the Declaration and Assignment due to a ill feelings concerning his termination from Texas Instruments Incorporated, but that after talking the matter over with him, **Celite Milbrandt** indicated a willingness to sign the papers and said he would sign them and mail them to this office.

9) THAT in early June, 2001, he phoned **Celite Milbrandt** again at his place of employment and spoke to **Celite Milbrandt**, and that **Celite Milbrandt** apologized for not sending the executed forms, and asked him to re-send the forms and a return envelope, which was done on June 7, 2001, there being no cover letter included with this new set of forms and return envelope.

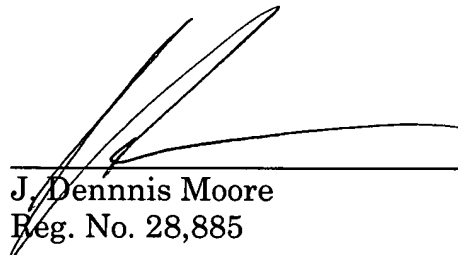
10) THAT in late June, 2001, having not received the forms from **Celite Milbrandt**, he once again phoned **Celite Milbrandt** at his place of employment and spoke with **Celite Milbrandt**, and that **Celite Milbrandt** said that he hadn't returned the forms because they were sent to his home address rather than his

work address but that he promised that he would sign the forms that evening and mail them to us the next day, but that these forms were never returned.

10) THAT **Celite Milbrandt's** employment with Texas Instruments Incorporated was terminated and it is believed that, as evidenced by the repeated promises to execute and return the Declaration and Assignment, but his continuing refusal by his actions to do so, that **Celite Milbrandt** is no longer willing to be cooperative to sign any needed forms for TI.

I declare under penalty of perjury that the above is true and correct.

July 26, 2001
Date



J. Dennis Moore
Reg. No. 28,885

MEMORANDUM

Date: January 10, 2001

TO: Celite Milbrandt Via Express Mail

FROM: Karen Vertz MS 3999
Patent Assistant for Dennis Moore

RE: TI-29917
Title: Upstream Power Back-Off

Please find enclosed a Declaration, Assignment, and an application for your file. Please review the documents and sign them where indicated **in blue ink**. Also, date the documents. Please note that the Assignment requires two dates - the date the Assignment is signed and the date the application paper is signed, which will probably be the same date. Please return the signed documents to me in the enclosed self-addressed, postage paid envelope **as soon as possible**.

IF there are any changes to your information (i.e. new address, etc.), please draw only ONE line through that information, legibly print the correct info, INITIAL the changes, and then sign where indicated.

If you have any questions, please call me at 972/917-4360 or e-mail me at k-vertz@ti.com.

Thanks for your help.

Exhibit C

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► Shipping Solutions *Track & Confirm*

Shipment History

You entered EI618931290US

Your item was delivered at 12:46 pm on
January 12 in SAN LUIS OBISPO CA
93405.

Here is what happened earlier:

- January 11 3:22 pm ARRIVAL AT UNIT SAN LUIS OBISPO CA 93401
- January 11 11:34 am ENROUTE 93119
- January 10 5:00 pm ACCEPT OR PICKUP DALLAS TX 75251

Track & Confirm

Enter number from shipping receipt:

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Exhibit D

MEMORANDUM

April 25, 2001

TO: Celite Milbrandt
7122 Woodhollow Drive #32
Austin, Texas 78731

FROM: Ann Trent

RE: TI-29917 - Upstream Power Back-Off

Enclosed for your records is a copy of the subject application as filed with the U.S. Patent and Trademark Office on November 17, 2000.

Also enclosed for your signature are a Declaration and Power of Attorney and an Assignment.

Please sign your name and the date **IN BLUE INK** in the spaces indicated on both documents and return them to me in the enclosed self-addressed, stamped envelope. The copy of the application is for your file.

(On the Assignment, the "Date Application Executed" refers to the date you sign the Declaration and Power of Attorney, so in this case the dates would be the same.)

If you have any questions, please contact me either by phone or e-mail.

We have a deadline to meet at the patent office for filing these documents, so please have the signed Declaration and Assignment back to me no later than May 14, 2001.

Thank you for your assistance.



Ann Trent
Patent Assistant for J. Dennis Moore
a-trent1@ti.com
972-917-5634

Enclosures:
Declaration-POA
Assignment
Application (copy)

MEMORANDUM

May 17, 2001

TO: Celite Milbrandt
7122 Woodhollow Drive #32
Austin, Texas 78731

FROM: Ann Trent


RE: TI-29917 - Upstream Power Back-Off

If you have not already mailed the signed Declaration and Assignment to me for the subject patent application, I would appreciate it if you would do so immediately. We need to file those with the patent office to keep the application from being abandoned.

If you have any questions, please contact me either by phone or e-mail. **Please note that my telephone number has changed. It is now 972-917-0995.**

I sent you a stamped, self-addressed envelope along with the documents to be signed. If it has been misplaced, the address to mail the items is shown below. Please send them to my attention

Thank you for your assistance.


Ann Trent
Patent Assistant for J. Dennis Moore
a-trent1@ti.com
972-917-0995

Texas Instruments Incorporated
P.O. Box 655474, MS 3999
Dallas, Texas 75265